

PATENT

Docket No. 1948-4293 US1

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18/24/98
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Menard et al.

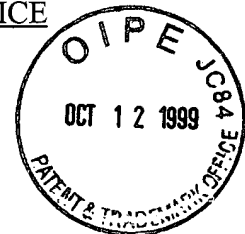
Serial No. : 09/041,538

Group Art Unit: 1771

Filed : March 11, 1998

Examiner: A. Singh

For : **FRICITION MATERIAL DESIGNED FOR FITTING TO A DEVICE
EMPLOYING FRICTION IN A LIQUID MEDIUM, AND THE
METHOD OF PRODUCING SUCH A FRICTION MATERIAL AND
THE DEVICE TO WHICH IT IS FITTED**



Assistant Commissioner For Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

S I R:

In response to the Office Action dated May 12, 1999, requiring restriction to one of two groups of claims, Applicants respectfully submit the following response.

I. The Examiner's Restriction Requirement

The Examiner has required restriction to one of the following groups of claims under 35 U.S.C. §121:

Group I – Claims 1-11, drawn to the friction material, and

Group II – Claims 12-32, drawn to the method of making the friction material.

II. Applicant's Election

Applicants elect to pursue prosecution of Group I, Claims 1-11 and 25, 26, and 28.

Applicants respectfully submit that claims 25, 26 and 28 are properly categorized as within Group I because they depend from claims 5, 9 and 8, respectively, and are directed to the friction material.

This election is made with traverse. Applicants respectfully submit that for a restriction

requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." M.P.E.P. §803. Applicants respectfully submit that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

III. Conclusion

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1948-4293US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1948-4293US1. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Dated: 10-7-99

Respectfully submitted,

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